

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

KEVONGH J. GRANT

Plaintiff,

v.

APTIM ENVIRONMENTAL AND
INFRASTRUCTURE, INC., WITT O'BRIEN'S, LLC,
ODEBRECHT CONSTRUCTION, INC., NATHAN
McCANN, ANDRES McCANN, JOHN DOES, JANE
DOES AND UNKNOWN CORPORATIONS

Defendants.

Case. No. 1:19-CV-0025

EXHIBIT 10

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

KEVONGH J. GRANT

Plaintiff,

v.

APTIM ENVIRONMENTAL AND
INFRASTRUCTURE, INC., WITT O'BRIEN'S, LLC,
ODEBRECHT CONSTRUCTION, INC., NATHAN
McCANN, ANDRES McCANN, JOHN DOES, JANE
DOES AND UNKNOWN CORPORATIONS

Defendants.

CIV. NO. 2019-CV-025

**PLAINTIFF'S RESPONSE TO
DEFENDANT APTIM ENVIRONMENTAL AND INFRASTRUCTURE, LLC'S
INTERROGATORIES TO PLAINTIFF**

Defendant APTIM Environmental & Infrastructure, LLC (f/k/a Aptim Environmental and Infrastructure, Inc.) ("APTIM"), through its attorneys, Dudley Newman Feuerzeig LLP, hereby propounds the following interrogatories to Plaintiff pursuant to Fed. R. Civ. P. 33 and demands answers with respect thereto within thirty (30) days after service.

INSTRUCTIONS AND DEFINITIONS:

1. Responses to these interrogatories shall be responsive to the date that the responses are filed and shall be continuing in character and require the filing of supplemental responses if further or different information relative thereto becomes known before trial.
2. Except where otherwise indicated, each one of these discovery requests shall be deemed to be addressed to Plaintiff.
3. When knowledge or information of plaintiff is requested, such request includes knowledge of

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Plaintiff's agents, representatives, and unless privileged, their attorneys.

4. The pronoun "you" or "your" refers to Plaintiff and the persons mentioned in paragraph (3) above.
5. "Identify" when referring to a natural person means to provide an identification sufficient to notice the deposition of such person and to serve such person with process to require his or her attendance at a place of examination and shall include, without limitation, his or her full name, present or last known home address, telephone number, present or last known business affiliation and address, title or occupation, and each of the positions held by such person during the applicable time covered by any answer to referring to such person.
6. "Identity" when referring to a document means to give the following information:
 - a. its nature, e.g., letter, memorandum, tape recording, etc.;
 - b. its specific subject;
 - c. the name, title and address of the person(s) by whom it was made and to whom it was directed if it was directed to some other person;
 - d. the date upon which it was made; and
 - e. who has possession of the original and any copies.
7. The term "document" is defined to be equal in scope to the usage of the term in Fed. R. Civ. P. 34(a) and refers to any medium upon which intelligence or information can be recorded or retrieved, including, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum, invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, report, record, contract, agreement, study, handwritten sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, or any other written, recorded, transcribed,

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punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody, or control, or which was at some time in your possession, custody, or control. A draft or non-identical copy is a separate document within the meaning of this term.

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INTERROGATORY NO. 1:

State the full name and address of the person or persons answering these interrogatories.

ANSWER TO INTERROGATORY NO. 1:

Name: Kevongh J. Grant

Address: 61 Estate Carlton
Frederiksted, VI 00840

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INTERROGATORY NO. 2:

Set forth your educational background, including all schools and educational or training programs you have attended, the degrees or certificates you received and the highest grade you attended, and the dates you attended these programs or schools.

ANSWER TO INTERROGATORY NO. 2:

I was home schooled until 12 grade. I have a GED, obtained in 2017. After completing my high school education, I went to work in the construction field.

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INTERROGATORY NO. 3:

Set forth your employment history during the last ten (10) years, including the identity of each of your employers and immediate supervisors, your job title and responsibilities for each job, and how long you held each position.

ANSWER TO INTERROGATORY NO. 3:

I am currently 23 years old and was born on August 30, 1998. I began working in the construction field in 2017. Later in 2017, I worked for Kami Metals, moving debris and clean up. My immediate supervisor is Hilleous Charles. I don't have a specific job title. I have worked there since 2017.

In 2017, I first worked as a mason's helper with my dad who was self employed as a mason.

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INTERROGATORY NO. 4:

Have you been convicted of a felony or a misdemeanor involving moral turpitude. If you answer yes, please identify the charge(s) you were convicted of, the date of conviction, the court where you were convicted, term of any incarceration, and the terms of release.

ANSWER TO INTERROGATORY NO. 4:

No

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INTERROGATORY NO. 5:

Describe with specificity every fact that show or establishes Aptim owned or controlled the vehicle that was allegedly driven by Andrew or Nathan McCann.

ANSWER TO INTERROGATORY NO. 5:

Objection as calling for trial strategy and legal conclusions. Notwithstanding, the facts derive from Aptim's contract, discussing its scope of services and responsibilities as contractor, Aptim's badge, and the testimony of witnesses.

Further to the terms of its contract, Aptim:

- a) was responsible for travel, lodging, and the local transportation of individuals working on the housing program where the McCanns worked;
- b) was responsible for supervising and directing the work of its subcontractors, including Navigation Construction, where the McCanns worked;
- c) was responsible for its performance and that of its subcontractors;
- d) was responsible for and/or pay for transportation necessary for proper execution and completion of work;
- e) was responsible for initiating, maintaining, and supervising all necessary or required safety programs, and
- f) was responsible for overseeing the actions of its agents such as its subcontractors regarding the events that led to injuries.

Will supplement as discovery proceeds.

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INTERROGATORY NO. 6:

Describe in detail each and every fact that shows or establishes that Andrew and/or Nathan McCann were employed by Aptim at the time of the car accident alleged in the complaint.

ANSWER TO INTERROGATORY NO. 6:

See previous response and the failure of the McCanns to defend the complaint allegations.

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INTERROGATORY NO. 7:

Describe in detail and identify each and every fact that at the time of the car accident alleged in the complaint that Andrew and/or Nathan McCann were engaged in acts on behalf of Aptim.

ANSWER TO INTERROGATORY NO. 7:

See response to Interrogatory No. 5. Will supplement as discovery proceeds.

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INTERROGATORY NO. 8:

Identify any and all facts that show or establish that Aptim controlled or directed the actions of Andrew and/or Nathan McCann at or about the time of the car accident alleged in the complaint.

ANSWER TO INTERROGATORY NO. 8:

See response to Interrogatory No. 5.

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INTERROGATORY NO. 9:

Describe in detail your actions and activities six (6) hours prior to the car accident alleged in your complaint.

ANSWER TO INTERROGATORY NO. 9:

Six hours before the accident occurred, I was working with a crew at Island Center, setting up a stage for a performance. After work, I dropped my girlfriend to her home in Anna's Hope. I was driving back to my home in Frederiksted when the accident occurred.

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INTERROGATORY NO. 10:

Describe in detail the accident at issue in this case.

ANSWER TO INTERROGATORY NO. 10:

I was driving home when I was struck in the vicinity of the Cool Out Bar in Peter's Rest. I was ejected from the vehicle and woke up in the bushes with someone holding my hand. I do not remember much after the accident since I was in and out of consciousness and suffered from amnesia. See description of accident in traffic accident report, previously produced.

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INTERROGATORY NO. 11:

Describe in detail all of the physical and emotional injuries that you allege you suffered and claim are a direct and proximate result of the car accident at issue in this case.

ANSWER TO INTERROGATORY NO. 11:

The injuries include a lateral break between right elbow and shoulder, overall body pain, ankle pain, scratches, concussion, amnesia, head injuries, back injuries. The detailed medical injuries are contained in the medical records, previously produced.

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INTERROGATORY NO. 12:

Describe in detail any and all medical treatment you received for the injuries identified in interrogatory number 11 above. Please identify the medical provider and date of treatment.

ANSWER TO INTERROGATORY NO. 12:

1. Governor Juan F. Luis Hospital and Medical Center
4007 Estate Diamond Ruby
Christiansted, VI 00820-4421
2. Jackson Memorial Hospital
1611 NW 12th Ave
Miami, FL 33136
3. VI Orthopedics and Sports Medicine
4423 Estate Mary's Fancy
Queens Quarter Villa
Christiansted, VI 00820

I do not remember the specific dates of treatment, but the dates can be obtained from my medical records, previously produced. For details of my medical treatment, please see the medical records, previously produced.

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INTERROGATORY NO. 13:

Identify with detail all actual damages you are alleging in this case including all medical bills, lost earnings, and any other costs associated with the injuries alleged in the complaint.

ANSWER TO INTERROGATORY NO. 13:

The medical bills were previously produced, further to Plaintiff's Rule 26 Disclosures.

Will be supplement if appropriate.

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INTERROGATORY NO. 14:

Describe with specificity the type and amount of damages you are claiming in this case.

ANSWER TO INTERROGATORY NO. 14:

The type of damages include pain and suffering, medical bills, bills associated with my care, etc. Will supplement.

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INTERROGATORY NO. 15:

Did you have medical insurance at the time of the accident alleged in the complaint. If so, identify your insurer and policy number and any and all out of pocket payment you made and any amounts your insurer paid on your behalf and to whom.

ANSWER TO INTERROGATORY NO. 15:

None other than Medicaid Advantage Program (MAP).

I am still paying medical bills since some were placed on a credit card; my parents and family assisted with some of the bills. Will supplement.

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INTERROGATORY NO. 16:

Did you have automobile insurance at the time of the accident alleged in the complaint. If so, identify your insurer and policy number and any and all out of pocket payment you made and any amounts your insurer paid on your behalf and to whom.

ANSWER TO INTERROGATORY NO. 16:

I did not personally have automobile insurance, but I was driving my father's vehicle, which was insured. My dad's truck was totally destroyed and he received compensation from his insurance company.

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INTERROGATORY NO. 17:

Identify each and every person, including experts, who you intend to call as a witness at the time of the trial of this matter and for each set forth a description of his/her anticipated testimony.

ANSWER TO INTERROGATORY NO. 17:

See witnesses identified in plaintiff's Rule 26 Disclosures. Will supplement if appropriate.

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INTERROGATORY NO. 18:

Are you claiming damages for pain and suffering or mental anguish against Aptim? If so, describe with specificity the type and amount of damages you are claiming for the alleged pain and suffering or mental anguish and how said pain and suffering or mental anguish damages were caused by Aptim in this case. Also, please state whether you have sought any medical treatment for said alleged pain and suffering or mental anguish and whom you sought treatment from for this pain and suffering or mental anguish.

ANSWER TO INTERROGATORY NO. 18:

Yes. I am seeking damages from Aptim for pain and suffering based on Aptim's relationship with the driver of the vehicle when the accident occurred. I have sought and received medical treatment as a result of the accident. The medical records were previously produced to Aptim.

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DUDLEY NEWMAN FEUERZEIG LLP

DATED: May 20, 2022

By: /s/ Alex M. Moskowitz
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Attorneys for Defendant Aptim

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a true copy of the foregoing **Interrogatories** by email and by placing same in the U.S. mail, postage prepaid, this 20th day of May, 2022, addressed to:

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/s/ Alex M. Moskowitz

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Verification

I, Kevonah Grant, after first being sworn, depose and state that I have read the foregoing Interrogatories and provided truthful answers under oath.



Kevonah Grant
Signature

Kevonah Grant
Print Name and Title

SWORN TO AND SUBSCRIBED

BEFORE ME this 26 day
of August, 2022

Notary Public

Luste
NOTARY PUBLIC
LUCILLA ERISTE
Commission Exp. October 9, 2023
NP-270-19

Commission No. _____

Commission Expires _____